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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,170	01/24/2002	Scott A. Garver	GRD0186.US	9483

7590

07/12/2004

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,170

Applicant(s)

GARVER, SCOTT A.

Examiner

Ruth C Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,11,13 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,11,13 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 March 2004 has been entered.
2. The indicated allowability of claims 21-24 is withdrawn in view of the newly discovered reference(s) to Liu et al., Olewinski et al., Holder and European Patent Application DP 0 398 562 A1). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Liu et al. (US 5,577,698).

An electrical tie (10) comprises an elongate strap (11) having opposing sides and an end (Figs. 1-4). At least one the side includes serrations (14) and a head (12) attached to the end (Figs. 1-4). The head includes a locking slot (13) that receives the strap therein and interconnects with the serrations (Figs. 1-4). The head includes a shoulder (22) with an inside perimeter defining a mounting through-hole (21). The inside perimeter is polygonal (Figs. 1 and 2).

Liu also disclose that the mounting through-hole extends in a direction generally coincident with said locking slot (Figs. 1-4).

5. Claims 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Olewinski et al. (US 5,598,994).

An electrical tie (20) comprises an elongate strap (24) having opposing sides and an end (Figs. 1-9). At least one the side includes serrations and a head (10,21,22) attached to the end (Figs. 1-9). The head includes a locking slot (22) that receives the strap therein and interconnects with the serrations (Figs. 1-9). The head includes a shoulder (10) with an inside perimeter defining a mounting through-hole (18). The inside perimeter is polygonal (Figs. 2 and 5).

Oiewinski also disclose that:

- The mounting through-hole extends in a direction generally coincident with said locking slot (Figs. 1-9).
- The mounting through-hole has a generally cylindrical shape (Figs. 2 and 5).
- The elongate strap has a longitudinal extension (Figs. 1-9). The head includes a hinge section (21) that can allow hinged movement of the head in a direction transverse to the longitudinal extension (Figs. 1-9).

6. Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Holder (US 6,364,257 B1).

An electrical tie (25) comprises an elongate strap (28 or 30) having opposing sides and an end (Figs. 2-6). At least one the side includes serrations (32) and a head (26) attached to the end (Figs. 2-6). The head includes a locking slot (34) that receives the strap therein and interconnects with the serrations (Figs. 2-6). The head includes a shoulder with an inside perimeter defining a mounting through-hole (38). The inside perimeter is polygonal (Fig. 5).

The mounting through-hole disclosed by Holder extends in a direction generally coincident with said locking slot (Fig. 5).

7. Claims 21, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application EP 0 398 562 (EP '562).

An electrical tie comprises an elongate strap (1) having opposing sides and an end (Figs. 1-7). At least one the side includes serrations (4) and a head (2) attached to the end (Figs. 1-7). The head includes a locking slot (3) that receives the strap therein

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and interconnects with the serrations (Figs. 1-7). The head includes a shoulder (7) with an inside perimeter defining a mounting through-hole (Figs. 1-7). The inside perimeter is polygonal (Figs. 1-7).

EP '562 also discloses that:

- The mounting through-hole extends in a direction generally coincident with said locking slot (Figs. 1-7).
- The elongate strap has a longitudinal extension (Figs. 1-7). The head includes a hinge section (between 2 and 7) that can allow hinged movement of the head in a direction transverse to the longitudinal extension (Figs. 1-7).

Allowable Subject Matter

8. Claims 8, 11, 13 and 16-20 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holmes (US 3,461,510), Wells (US 3,717,906), Olewinski et al. (US 5,598,994), Logan (US 5,758,390), British Patent Document GB 2 166 188 A and European Patent Documents EP 0 540 475 A2, EP 583 554 A1 and EP 0 875 466 A1 are cited to show

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state of the art with respect to ties having a through-hole separated by a hinge from the locking hole to allow rotation of the through-hole with respect to the locking hole.

Lankton et al. (US 4,573,242), Shely et al. (US 4,788,751), Lundberg, Jr. (US 5,183,301), Shely (US 5,295,285), Marogil (US 5,304,188), Geisinger (US 5,193,254) and Pettersson (US 6,594,867 B1) are cited to show state of the art with respect to ties having three ribs on one side.

Fortsch (US 5,317,787) and Georgopoulos et al. (US 5,524,945) are cited to show state of the art with respect to ties having ribs provided with teeth.

Hancock-Bogese et al. (US 5,848,771), Teagno et al. (US 5,884,367), Davignon (US 5,911,368), Nelson et al. (US 6,185,792) and International Patent Document WO 96/18554 are cited to show state of the art with respect to ties allowing insertion and engagement of the elongated strap through any of the two sides of the locking hole.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before and after final communications is (703) 872-9306.

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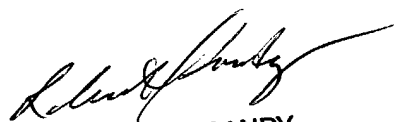
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR

rcr

June 30, 2004



ROBERT J. SANDY
PRIMARY EXAMINER